

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

Vs.

No. CR 18-3495 JCH

DOUGLAS D. SMITH,

Defendant.

**ORDER GRANTING CONTINUANCE OF TRIAL
AND PRETRIAL DEADLINES**

THIS MATTER is before the Court on Defendant's Unopposed Motion to Continue [45].

The Court having considered the motion, being fully advised in the premises and in light of *United States v. Toombs*, 574 F.3d 1262 (2009), finds that the Defendant has by his motion, created a sufficient record to justify granting the motion to continue. See *id.* at 1271 (requiring that the record on a motion to continue contain an explanation of why the mere occurrence of the event identified by the parties as necessitating the continuance results in the need for additional time).

IT IS THEREFORE ORDERED that Defendant's Unopposed Motion to Continue [45] is **GRANTED**.

IT IS FURTHER ORDERED that the Call of Calendar hearing of March 6, 2020 and the Jury Selection/Trial of March 16, 2020 are VACATED. Call of Calendar, Jury Selection/Trial and corresponding deadlines are reset as follows:

Event	Date/Deadline
Jury Selection/Jury Trial (trailing docket)	May 18, 2020
Calendar Call	Thursday, May 07, 2020 @ 1:30 p.m.
Motions in Limine	Monday, April 27, 2020
Response to Motions in Limine	Wednesday, May 06, 2020
Motions to Continue	Thursday, April 23, 2020

Before Judge Judith C. Herrera at the United States Courthouse, 333 Lomas Blvd., N.W., Mimbres Courtroom, 4th Floor in Albuquerque, New Mexico.

IT IS FURTHER ORDERED that the pretrial motion deadline is hereby extended until **Thursday, April 16, 2020**. The pretrial motion deadline applies to all motions, including Daubert Motions. Motions in Limine have a separate deadline.

IT IS FURTHER ORDERED that pursuant to 18 U.S.C. §3161(h)(7)(A), the Court finds that the ends of justice served by granting the unopposed motion for continuance outweigh the best interest of the public and the defendant in a speedy trial. Therefore, all the time from the filing of the motion until the beginning of jury selection in this matter shall be excluded for the purpose of the Speedy Trial Act.

IT IS FINALLY ORDERED that counsel shall adhere to the Court's instructions and case management deadlines as set forth in the following attachment, "Pretrial Deadlines before The Honorable Judith C. Herrera."



UNITED STATES DISTRICT JUDGE